

U.S. Application Serial No. 10/767,027  
Attorney Docket No. 13682.105201 (CET-026431 CIP1)

### **REMARKS/ARGUMENTS**

#### **I. General Remarks and Disposition of the Claims.**

Please consider the application in view of the following remarks. Applicants thank the Examiner for his careful consideration of this application.

Claims 1-38 are pending in this application. Claims 10, 11, 15-25, and 30-36 are withdrawn from consideration in accordance with a restriction/election requirement. Claims 1-9, 12-14, 26-29, 37, and 38 have been rejected. Claims 1, 26, and 37 have been amended herein. Applicants respectfully request that the above amendments be entered, and further request reconsideration in light of the amendments and remarks contained herein. No new matter has been added by way of amendment.

#### **II. Remarks Regarding Rejection of Claims Under 35 U.S.C. § 112.**

The Examiner stated: "Claims 1-9 and 12-14, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement." With respect to enablement, the Examiner stated:

Claim 1 recites inter alia: "a polymer membrane; a fuse element layer formed on said polymer membrane; and first and second intermediate insulation layers extending on opposite sides of said fuse element layer and coupled thereto". The aforementioned recitation is contradictory. The claim positively sets forth that the fuse element layer is formed on the polymer membrane, and then the claim recites that the first and second intermediate insulation layers extending on opposite sides of said fuse element layer and coupled thereto. It is not clear how said insulation layer may be coupled to the side of the fuse element layer, which has the polymer membrane attached thereto. It appears that said insulation layer should be coupled to the polymer membrane and not to the fuse element layer.

(Office Action at 3).

Applicants thank the Examiner for pointing out this inadvertent informality, and have amended claim 1 so as to recite, in part, "a fuse element layer formed on said polymer membrane to form a fuse-polymer layer; and first and second intermediate insulation layers extending on opposite sides of said fuse-polymer layer and coupled thereto." Support for the amendments is found at least in Specification, ¶ [0103].

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Accordingly, Applicants respectfully assert that claims 1-9 and 12-14 fully comply with the enablement requirement of the first paragraph of 35 U.S.C. § 112. Applicants respectfully request the withdrawal of the rejection currently imposed against claims 1-9 and 12-14, and earnestly solicit the timely issuance of a Notice of Allowance for these claims.

### **III. Remarks Regarding Rejection of Claims Under 35 U.S.C. § 102.**

Claim 37 is rejected under 35 U.S.C. §102(b) as being anticipated by WO 01/69988 to Nishimura *et al* (hereinafter "Nishimura"). Applicants respectfully traverse this rejection because Nishimura does not disclose, expressly or inherently, every element recited in the subject claim as required to anticipate the claim under 35 U.S.C. §102(b). MPEP §2131.

In particular, claim 37, as amended, includes a polymer membrane, and a thin foil fuse element layer formed on the polymer membrane to form a fuse-polymer layer. Nowhere does Nishimura disclose or suggest that the fuse element layer is formed on a polymer membrane. Furthermore, claim 37 recites that the fuse-polymer layer is positioned between a first and second intermediate insulation layer, which is in turn, positioned between a first and second outer layer insulation layer. Nowhere does Nishimura teach or suggest that the fuse element layer and polymer membrane are positioned between the first and second intermediate insulation layers, which are then positioned between the first and second outer insulation layers.

Accordingly, Nishimura does not disclose or suggest every element of claim 37, and therefore, claim 37 is not anticipated by Nishimura. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claim 37.

### **IV. Remarks Regarding Rejection of Claims Under 35 U.S.C. § 103.**

#### **A. Claim 38.**

Claim 38 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura alone. Applicants respectfully traverse this rejection.

Claim 38 depends from claim 37. As Applicants have explained above in Section III, Nishimura does not teach or suggest that the fuse comprises a thin foil fuse element layer formed on the polymer membrane to form a fuse-polymer layer, and that the fuse-polymer layer is positioned between a first and second intermediate insulation layer, which is in turn, positioned between a first and second outer layer insulation layer. Accordingly, Applicants respectfully submit that Nishimura does not teach or suggest all elements of Applicants' independent claim 37. Because dependent claim 38 contains all the limitations of independent

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claim 37, the failure of Nishimura to teach or suggest all limitations of claim 37 prevents Nishimura from teaching or suggesting all limitations of claim 38. Accordingly, Applicants respectfully assert that claim 38 is patentable over Nishimura, and thus requests the withdrawal of this rejection.

**B. Claims 26 and 27.**

Claims 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura in view of U.S. Patent No. 4,388,603 to Hassler *et al* (hereinafter "Hassler"). Applicants respectfully traverse this rejection.

In particular, independent claim 26, as amended, includes a polymer membrane and a thin foil fuse element layer formed on the polymer membrane to form a fuse-polymer layer, and that the fuse-polymer layer is positioned between a first and second intermediate insulation layer. Nowhere does Nishimura disclose or suggest that the fuse element layer is formed on a polymer membrane, which is positioned between a first and second intermediate insulation layer. Rather than disclosing that the fuse element layer is formed on a polymer membrane, Nishimura is directed to a fuse element layer formed on one of the intermediate insulation layers (Nishimura, Figures 12 & 13). Nor can Hassler be used to supply this missing recitation.

Accordingly, Nishimura in view of Hassler does not disclose or suggest every element of claim 26. Therefore, independent claim 26 is not obviated by Nishimura in view of Hassler. Claim 27 depends directly on independent claim 26. This dependent claim, which include all the limitations of its corresponding independent claim, is allowable for at least the reasons cited above with respect to independent claim 26. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 26 and 27.

**C. Claim 28.**

Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura in view of Hassler, and further in view of either U.S. Patent No. 5,977,860 or U.S. Patent No. 5,699,032 to Ulm Jr. *et al* (hereinafter "Ulm"). Applicants respectfully traverse this rejection.

Claim 28 depends from claim 26. As Applicants have explained above in Section IV.B., Nishimura in view of Hassler does not teach or suggest that the fuse comprises a thin foil fuse element layer formed on the polymer membrane to form a fuse-polymer layer, and that the

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fuse-polymer layer is positioned between a first and second intermediate insulation layer. Nor can Ulm be used to supply these missing recitations. Thus, even if Ulm does teach that the first and second intermediate insulation layers are made of polyimide material, the combination of references does not obviate the claim because the cited references do not teach all of the limitations of independent claim 26. Accordingly, Applicants respectfully assert that claim 28 is patentable over Nishimura in view of Hassler and further in view of Ulm, and thus requests the withdrawal of this rejection.

**D. Claim 29.**

Claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura in view of Hassler, and further in view of U.S. Patent No. 5,309,625 to Onishi (hereinafter "Onishi"). Applicants respectfully traverse this rejection.

Claim 29 depends from claim 26. As Applicants have explained above in Section IV.B., Nishimura in view of Hassler does not teach or suggest that the fuse comprises a thin foil fuse element layer formed on the polymer membrane to form a fuse-polymer layer, and that the fuse-polymer layer is positioned between a first and second intermediate insulation layer. Nor can Onishi be used to supply these missing recitations. Thus, even if Onishi does teach that the first and second intermediate insulation layers are made of liquid crystal polymer, the combination of references does not obviate the claim because the cited references do not teach all of the limitations of independent claim 26. Accordingly, Applicants respectfully assert that claim 28 is patentable over Nishimura in view of Hassler and further in view of Onishi, and thus requests the withdrawal of this rejection.

**V. No Waiver.**

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicants are sufficient to overcome the anticipation and obviousness rejections.

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**SUMMARY**

In light of the above remarks and arguments, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone.

Applicants believe that there are no fees due in association with the filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, the Commissioner is authorized to debit said fees from, or to credit any overpayments to, USPTO Deposit Account Number 50-3786, Reference No. 13682.105201.

Respectfully submitted,



Date: November 30, 2007

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